

HON. ROBERT H. WHALEY

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 20 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GABRIEL ALVAREZ et al., individually and  
in a representative capacity,

Plaintiffs,

v.

IBP, INC.,

Defendant.

No. CT-98-5005-RHW

AMENDED JUDGMENT

This action having been tried before the Court, the Honorable Robert H. Whaley, United States District Judge, presiding, and having been remanded from appellate proceedings before the Ninth Circuit Court of Appeals and the United States Supreme Court;

**IT IS ORDERED AND ADJUDGED:**

The original judgment in this action entered on September 14, 2001, the order of November 27, 2001 taxing costs and including them in the original

AMENDED JUDGMENT -- 1

LAW OFFICE OF  
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1 judgment, and the order of December 14, 2001 on plaintiffs' motion for fees,  
2 are each vacated and this Amended Judgment shall be substituted nunc pro tunc  
3 for each of them.

4 The Plaintiffs Gabriel Alvarez, *et al*, recover of the Defendant, IBP, inc.  
5 (currently known as Tyson Fresh Meats, Inc.), the sum of \$ 7,297,517, plus  
6 interest at 3.43% per year compounded annually from September 14, 2001 for  
7 damages calculated through May 14, 2000 and comprised of \$ 5,487,561 in  
8 MWA overtime damages, \$ 905,028 minimum wage damages, and \$ 904,928 in  
9 rest break damages under Washington law;  
10

11 That Plaintiffs Gabriel Alvarez, *et al*, recover of the Defendant IBP, inc.  
12 their costs of action through November 27, 2001 in the amount of \$ 41,816.96  
13 plus interest at 2.35% per year compounded annually from November 27, 2001.  
14

15 That Plaintiffs Gabriel Alvarez, *et al*, recover of the Defendant IBP, inc.  
16 their reasonable attorney fees through December 5, 2001 in the amount of  
17 \$1,974,394 plus interest at 2.21% per year compounded annually from  
18 December 14, 2001;  
19

20 That Plaintiffs Gabriel Alvarez, *et al*, recover of Defendant IBP, inc. their  
21 fees and costs of action on appeal to the Ninth Circuit and before the United  
22 States Supreme Court in the amount of \$ 365,000, which shall be deemed to  
23

AMENDED JUDGMENT -- 2

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1 compensate them for all such fees and expenses through December 19, 2005;

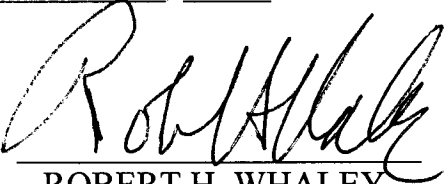
2 That the distribution plan jointly proposed by the parties is Approved and  
3 is hereby incorporated into this Amended Judgment;

4 That the Court retains jurisdiction to supervise the distribution of  
5 judgment proceeds to the class;

6 That this judgment is a final decision and is subject to appellate review  
7 under 28 U.S.C. § 1291.

8  
9 **The District Court Executive is directed to enter judgment forthwith**  
10 **and to provide copies to counsel.**

11 Dated this 20 day of December, 2005.

12  
13   
14 ROBERT H. WHALEY  
15 Chief United States District Judge

16  
17 Presented by:

18 /s/  
19 William J. Rutzick  
20 Kathy Goater  
Schroeter Goldmark & Bender

21 /s/  
22 David N. Mark  
23 Attorneys for Plaintiffs

AMENDED JUDGMENT -- 3

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1  
2 Approved as to Form by:

3 /s/

4 Michael J. Mueller

5 Joel M. Cohn

6 Akin Gump Strauss Hauer & Feld, LLP

7 Attorneys for Defendant  
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AMENDED JUDGMENT -- 4

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